

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES B. HAUGH,

Defendant.

4:13CR3039

MEMORANDUM AND ORDER

Defendant has moved to continue the trial currently set for August 13, 2013. (Filing No. 15). As explained in the motion, the defendant needs additional time to investigate this case and review discovery. Specifically, the parties have entered into a stipulation (Filing No. 13) for review of the digital media seized by the Nebraska Department of Justice on December 27, 2012 from 508 Fleetwood Circle. Grand Island, Hall County, Nebraska, which contains the alleged child pornography at issue in the above-referenced case, and they seek an order permitting Defendant and his computer expert to have reasonable access to the computer hard drives and materials seized. (Filing No. 14). Based on the showing set forth in the parties' stipulation, motion to inspect, and motion to continue, the court finds the stipulation should be adopted and the motions granted. Accordingly,

IT IS ORDERED:

- 1) The parties' stipulation for reproduction and review of the alleged child pornography at issue, (Filing No. 13), is adopted, and the motion to inspect this evidence in accordance with the terms of the parties' stipulation, (Filing No. 14), is granted.
- 2) Defendant's motion to continue, (filing no. 15), is granted.
- 3) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on September 30, 2013, or as

soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.

- 4) Based upon the showing set forth in the defendant's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date and September 30, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7).

August 2, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge